

Torrance, California
July 16, 1946

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE CITY COUNCIL
OF THE CITY OF TORRANCE

The City Council of the City of Torrance convened in an Adjourned Regular Meeting in the Council Chamber, City Hall, Torrance, California, on July 16, 1946 at 7:58 P.M.

Mayor Sherfey called the meeting to order.

Clerk Bartlett called the roll, those answering present being Councilmen: Jackson, Powell, Tolson and Sherfey. Absent: Councilmen: Gilbert.

Councilman Powell moved that a recess until 8:20 P.M. be declared to await arrival of Councilman Gilbert. Councilman Jackson seconded the motion, which was carried unanimously.

The meeting reconvened at 8:21 P.M., Councilman Gilbert having arrived.

All those present in the Council Chamber saluted the Flag.

Being an adjourned meeting, the regular order of business was dispensed with.

WRITTEN COMMUNICATIONS

A communication was read from Leo I. Wagner, President, and H. L. Weber, Secretary, Torrance Boys' Club, requesting use of the Civic Auditorium one day a week for band rehearsals, concerts and Boys' Club family meetings. It was also requested that the City donate a bus for the swimming class which meets every Friday evening at 7:00 P.M., or, if this is not deemed advisable, it was requested that arrangements be made, provided the Council approves, for the drivers to donate their services and the Boys' Club will pay the fee of twenty-five cents (25¢) per mile.

A brief outline was given of the activities of the club.

Councilman Gilbert moved that the communication and request be referred to Dale Riley, Superintendent of the Recreation Department, for recommendation to the Council in order that the Council may take action at the next regular meeting. Councilman Powell seconded the motion, which was carried unanimously.

A petition bearing twenty-four signatures was read, requesting that Ed Cox and Jim Bauman, having bought the White Elephant Furniture Store at 23030 Narbonne Avenue, and having been lead to believe that they could sell used furniture, be permitted to sell used merchandise from the premises. It was stated that both Mr. Cox and Mr. Bauman are Veterans, having served with the Army overseas.

A discussion ensued, during which it was stated that a petition for variance was filed some time ago with the City Planning Commission, requesting authority to sell used furniture at the White Elephant Furniture Store, which petition for variance had been denied by the Planning Commission after due consideration of all the evidence submitted at that time, protests having outnumbered approvals. It was stated further that the City Council had concurred in the action of the Commission in rejecting the petition at that time.

Attorney Willett advised that, as near as he could recall, the Commission had rejected the petition for permission to sell used merchandise, and had specified that only new merchandise could be sold from the premises.

Mayor Sherfey moved that the petition requesting that Ed Cox and Jim Bauman be granted permission to sell used furniture and merchandise from the White Elephant Furniture Store at 23030 Narbonne Avenue, Torrance, be referred to the Planning Commission for recommendation to the City Council. Councilman Gilbert seconded the motion, which was carried unanimously.

A communication was read from J. H. Stroh, Chief, Police Department, recommending that City Taxi Company be permitted to change the color of taxicabs to the following colors: red top, white body, red fenders, white wheels.

Councilman Gilbert moved that the Council concur in the recommendation of the Chief of Police. Councilman Jackson seconded the motion, which was carried unanimously.

An application for Street Stand Permit for Taxicabs from City Taxi Company, signed by J. W. Alford, was read, requesting that he be allowed to use a location in the 1600 block on Gramercy Avenue, back of the Beacon Drug Store, for a taxicab stand. The application had been approved by Captain Frank J. Schumacher while he served in the capacity of Acting Chief of Police. A note was affixed from Chief Stroh stating that the request had been investigated.

Chief Stroh reported orally that, in accordance with the taxicab ordinance, no taxicab stand should be permitted within 500 feet of any other taxicab stand on the same street. However, he pointed out, although the stand requested by City Taxi Company is within 500 feet of both the Yellow Taxi Company, on Cabrillo Street, and Chuck's Taxi Service, also on Cabrillo Street, the fact that the stand requested is on another street (Gramercy) makes it impossible to deny the request based on the above-mentioned provision of the ordinance. He advised further that City Taxi Company rents the space only from month to month, and that Mr. Alford assured Chief Stroh that he does not intend to place a building on the property, but only intends to park his taxicabs there. He recommended that the request be granted.

Councilman Powell moved that the request of City Taxi Company for permission to have a taxicab street stand at the location in the 1600 block on Gramercy Avenue, back of the Beacon Drug Store, as applied for, be granted in accordance with Chief Stroh's recommendation. Councilman Gilbert seconded the motion, which was carried unanimously.

A communication was read from the State Employees' Retirement System, advising that the forms sent to the City of Torrance heretofore, designated as Form 121C, should be completed and returned to the State Employees' Retirement System offices before the contract and other necessary forms can be mailed to the City.

Mayor Sherfey moved that Form 121C be properly executed and forwarded to the State Employees' Retirement System office. Councilman Gilbert seconded the motion, which was carried unanimously.

A communication was read from the Federal Works Agency, Public Roads Administration, Washington, relative to the Lomita Flight Strip in which it was advised that Mr. C. C. Morris, Division Engineer for the Public Roads Administration at San Francisco, has been asked to meet with Mayor Sherfey for a conference in this regard.

Clerk Bartlett presented and read title to:

ORDINANCE NO. 370

AN ORDINANCE OF THE CITY OF TORRANCE, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR, AND GIVING NOTICE OF A SPECIAL ELECTION TO BE HELD IN THE CITY OF TORRANCE ON THE 20TH DAY OF AUGUST, 1946, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY SEVEN PROPOSITIONS TO INCUR BONDED INDEBTEDNESS BY SAID CITY FOR CERTAIN MUNICIPAL IMPROVEMENTS.

Councilman Gilbert moved that further reading of Ordinance No. 370 be dispensed with. Councilman Tolson seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Gilbert, Jackson, Powell, Tolson and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Gilbert moved that Ordinance No. 370 be adopted. Councilman Powell seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Gilbert, Jackson, Powell, Tolson and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Clerk Bartlett presented and read title to:

RESOLUTION NO. 1787

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DIRECTING THE CITY CLERK TO PREPARE AND CAUSE TO BE PUBLISHED A NOTICE OF A SPECIAL ELECTION, AND A NOTICE DESIGNATING POLLING PLACES AND ELECTION OFFICERS FOR SAID SPECIAL ELECTION, TO BE HELD IN THE CITY OF TORRANCE ON THE 20TH DAY OF AUGUST, 1946, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY A PROPOSED CITY CHARTER, AND CONSOLIDATING SAID ELECTION WITH A SPECIAL BOND ISSUE ELECTION ON THE SAME DATE.

Councilman Tolson moved that further reading of Resolution No. 1787 be dispensed with. Councilman Gilbert seconded the motion, which was carried unanimously.

Councilman Gilbert moved that Resolution No. 1787 be adopted. Councilman Tolson seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Gilbert, Jackson, Powell, Tolson and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Powell moved that, in accordance with a recommendation of Chief Stroh, the City Clerk be authorized to advertise for bids for two new automobiles for the Police Department. Councilman Jackson seconded the motion, which was carried unanimously.

Councilman Powell called attention to a motion made at the last meeting of the Council whereby the City Attorney was requested to furnish, at this meeting, an estimate of funds required to cover legal fees for special counsel authorized by the Council to be associated with Mr. McCall in prosecuting an appeal of a Superior Court Action in which suit proposed sale of Torrance Municipal Bus Lines was the issue. He asked Attorney McCall if he was prepared to submit the estimate.

Attorney McCall reported that he had directed a communication to the law firm of Burke, Hickson, Burke and Marshall, the special

counsel referred to, and requested that an estimate be furnished. He said there had not been sufficient time to receive an answer since the time he received notice of the action of the Council directing him to furnish the figure at this meeting, but that a reply will undoubtedly be received by the meeting of July 23, 1946.

Councilman Powell asked Attorney McCall to name a figure which, in his opinion, would cover these services, Attorney McCall declining to do so on the basis that such a figure would have little meaning. He pointed out that the reason no specific figure had been named at the time the Council authorized employment of the law firm was that it was impossible to determine at the time how much work would be involved in connection with appealing the case.

Councilman Powell commented that the Superior Court had ruled against the legality of the action of the majority of the Council who voted to sell the Bus Lines, and that, since that ruling had been handed down, the facts in the case have been altered somewhat, referring particularly to withdrawal of the proposed contract of sale and return by the City to the prospective purchaser of the money he deposited.

Councilman Powell then moved that the City Attorney be instructed to ask for a withdrawal of the appeal to the higher court from the decision handed down by the Superior Court enjoining the City from selling Torrance Municipal Bus Lines on the grounds that, to do so would constitute sale of a public utility, which, the court held, can only be sold in accordance with State Law governing sale of public utilities.

Councilman Gilbert, with the statement that the Bus Lines is now operating on a definite community betterment basis, seconded the motion.

Attorney McCall stated that, so far as funds are concerned, there is no more work to be done by the special counsel in this case, as they have already prepared and filed the brief with the Court of Appeals for the City, and that the only detail left now is the opinion which is to be handed down by the Appellate Court. So far as withdrawing the appeal from the standpoint of saving further expense, he said, the work already done in preparing and filing the brief constitutes the final work on the case.

Councilman Powell said he objected for another reason to the case being continued, being that he could see no justification in any member or members of the Council having to appear again in court on a matter which has been settled, at least to his satisfaction, and taking them away from their respective businesses and pursuits.

Councilman Tolson stated that, inasmuch as all the work is completed, and there is nothing further to be done except await the decision of the Appellate Court, he could see no object in withdrawing the case at this time. He indicated that it would be better, in his opinion, to have the satisfaction of receiving a decision from the Appellate Court one way or the other, since it will cost the City the same amount for legal services already rendered in preparing and filing the brief whether the City waits for a decision from the Court or not.

Councilman Powell replied that the majority of the Council who voted to dispose of the Bus Lines had been certain of their rights at the time, which the Superior Court had ruled to be out of order, and stated that the Council could have ordered the proposition placed on the ballot for the August 20, 1946 election for a decision from the voters, which would be in compliance with State Law governing sale of a public utility.

Councilman Tolson countered with the remark that the Council could not have possibly known at that time that an election was to be held on August 20, 1946. Furthermore, he added, he is no more convinced at this time that the Council who voted to dispose of the Bus Lines had been in error than he was at the time the action was taken.

Councilman Powell replied that, naturally, he, Councilman Tolson wouldn't be, which, Councilman Powell said, was understandable so far as he is concerned. He continued by saying that operation of the Bus Lines would have been a nice business proposition for some private concern, and that, although he, Councilman Powell,

does not know too much about the transportation business, he does know that transportation is vital to the City of Torrance and that if he, Councilman Tolson, had wanted to be sure of the opinion of the people, the matter could have been placed on the ballot for an expression from the electorate. He reported that the last audit report indicated a net revenue of \$12,000.00 over and above expenses, overhead and depreciation of the Bus Lines, and reiterated his statement that, to have acquired the Torrance Municipal Bus Lines would have been a nice business deal for a private concern.

Attorney McCall again pointed out that there is no further work to be done in the matter of appealing the case, and added that there will be no further hearing or appearance of anyone in court.

Councilman Gilbert asked Attorney McCall if he meant that, so far as expense is concerned, the expense already incurred will be the total expense, whether the City waits for the decision from the Court of Appeals or not, Attorney McCall's reply being in the affirmative.

Councilman Powell asked Attorney McCall if it is an absolute fact that no further witnesses will be expected to appear in court, Attorney McCall replying that no witnesses are called to appear in the Appellate Court, and that the Council can rest assured they will not be called to appear in court on this matter.

Councilman Powell added that he is not the least bit doubtful about the decision which the Court will hand down.

Attorney McCall pointed out that the Court of Appeals will either sustain or reverse the decision of the Superior Court.

Councilman Powell said he could see no reason but a selfish one for making the appeal in the first place.

Councilman Gilbert stated that, inasmuch as all the work which could involve any expense to the City in appealing this case has been completed, and since it had seemed advisable at the time the appeal was ordered to obtain a decision from a higher court, he having been in favor of same because of the dissention among members of the Council, that he would definitely favor waiting for the decision from the Court of Appeals.

Councilman Gilbert withdrew his second to the motion to withdraw the appeal in view of the facts which have been mentioned in the preceding discussion relative to present status of the case.

Councilman Powell withdrew his motion at this time.

Councilman Jackson said he would still favor seeing the estimate of cost of legal fees for special counsel being brought in at the next meeting.

Attorney McCall said a reply to his letter will undoubtedly be received by that time, and that, as a matter of fact, the law firm could present their bill, since their work in this matter is finished.

Councilman Powell said he thought it was poor business judgment for the City to employ anyone to render services without naming specific fees for same.

Councilman Tolson called attention to the fact that, upon resignation of Mrs. Lucille Lee from the Library Board, as of July 1, 1946, Mrs. Irene Hopkins had been appointed to fill her unexpired term, but that it had developed that Mrs. Lee's term expired July 1, 1946.

Councilman Tolson then moved that Mrs. Irene Hopkins be appointed as a member of the City of Torrance Library Board for a two year term beginning July 1, 1946. Councilman Gilbert seconded the motion, which was carried unanimously.

Councilman Tolson moved that Mayor Sherfey be authorized to sign an agreement with Mr. Jack Pine for certain improvements in the Pine Knolls Tract. Councilman Gilbert seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Gilbert, Jackson, Powell, Tolson and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Gilbert moved that an appropriation of \$1775.81 be made for purchase of 1,000 portable bleacher seats for the Ball Park. Councilman Powell seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Gilbert, Jackson, Powell, Tolson and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

ORAL COMMUNICATIONS

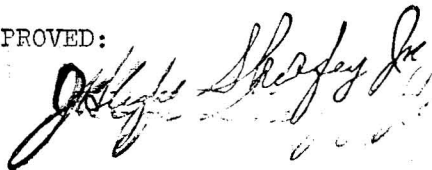
None.

At 8:50 P.M., upon motion of Councilman Tolson, seconded by Councilman Gilbert, the meeting adjourned.



CITY CLERK OF THE CITY OF TORRANCE

APPROVED:



MAYOR OF THE CITY OF TORRANCE